

IN THE CIRCUIT COURT OF THE SIXTH  
JUDICIAL CIRCUIT IN AND FOR PINELLAS  
COUNTY, FLORIDA

CASE NO. \_\_\_\_\_

GENESIS APARTMENTS LLC,

Plaintiff,

vs.

MIKE TWITTY, as the Property Appraiser of  
Pinellas County, Florida; ADAM ROSS, as the  
Tax Collector of Pinellas County, Florida; and  
JIM ZINGALE, as the Executive Director of the  
Florida Department of Revenue,

Defendants.

COMPLAINT

COMES NOW the Plaintiff, GENESIS APARTMENTS LLC, by and through its undersigned attorneys, and sues the Defendants, MIKE TWITTY, as the Property Appraiser for Pinellas County, Florida (hereinafter the "Property Appraiser"), ADAM ROSS, as the Tax Collector for Pinellas County, Florida (hereinafter the "Tax Collector"); and JIM ZINGALE, as the Executive Director of the Florida Department of Revenue (hereinafter the "DOR"), and, as its causes of action, the Plaintiff would state as follows:

1. Plaintiff, GENESIS APARTMENTS LLC, (hereinafter "Plaintiff") owns real property located in Pinellas County, Florida, the valuation of which property for ad valorem tax purposes is the subject matter of this action. This property consists of a multi-family apartment complex located at 503 Fairwood Avenue and 530 Fairwood Avenue, Clearwater, Florida 33759, commonly known as Genesis Clearwater.

2. The parcels are more fully described in the records of the Property Appraiser and Tax Collector under the following Parcel Identification Numbers (collectively “the subject properties”): 08-29-16-00000-340-0100 and 08-29-16-00000-340-0200.

3. The Defendant, MIKE TWITTY, is sued herein in his official capacity as the Property Appraiser of Pinellas County, Florida and not individually (hereinafter the “Property Appraiser”).

4. The Defendant, ADAM ROSS, is sued herein in his official capacity as the Tax Collector for Pinellas County, Florida and not individually (hereinafter the “Tax Collector”).

5. The Defendant, JIM ZINGALE, is sued herein in his official capacity as the Executive Director of the Florida Department of Revenue and not individually (hereinafter the “DOR”).

6. This Court has jurisdiction of this matter pursuant to Section 194.171(1) of the Florida Statutes.

7. Venue for this action lies in Pinellas County, Florida pursuant to Section 194.171(1) of the Florida Statutes.

8. Plaintiff is now, and was on January 1, 2024, responsible for the property taxes on the subject properties located in Pinellas County, the legal descriptions of which are contained in the Property Appraiser’s records as listed in Paragraph 2 above.

9. The Pinellas County Value Adjustment Board issued its Final Decisions on the subject properties on May 16, 2025. The final decisions were mailed on May 19, 2025.

10. This action has been timely filed, and all conditions precedent to the filing of this suit have been satisfied.

11. This is an action by Plaintiff contesting the legality and validity of the 2024 ad valorem assessments (market values and assessed values) on the aforesaid tax parcels.

12. At all times material to this cause of action, the Property Appraiser was responsible for properly assessing the value of Plaintiff's parcels in accordance with Florida law.

13. The Tax Collector has the statutory duty to collect the taxes resulting from the assessment of Plaintiff's properties. The Tax Collector is joined as a nominal party defendant for the purpose of providing timely notice of this action and to provide this Court with jurisdiction over the Tax Collector to direct a refund of taxes paid upon granting the relief requested herein.

14. The DOR is joined as a party defendant pursuant to Section 194.181 of the Florida Statutes.

15. The real property owned by Plaintiff is subject to assessment by the Property Appraiser for ad valorem tax purposes. Section 192.001(12) of the Florida Statutes defines "real property" to mean "land, buildings, fixtures, and all other improvements to land."

16. As of the filing of this action, the market value assigned to Parcel ID No. 08-29-16-00000-340-0100 for 2024 is \$31,000,000. The assessed value assigned to Parcel ID No. 08-29-16-00000-340-0100 for 2024 is also \$31,000,000.

17. As of the filing of this action, the market value assigned to Parcel ID No. 08-29-16-00000-340-0200 for 2024 is \$30,250,000. The assessed value assigned to Parcel ID No. 08-29-16-00000-340-0200 for 2024 is also \$30,250,000.

18. These assessments exceed the just and fair market values of the subject properties, and are unlawful and/or invalid because:

- (a) Section 193.011 of the Florida Statutes was not properly or lawfully considered by the Property Appraiser;
- (b) The Property Appraiser has unlawfully, systematically, and intentionally substituted his own assessment policy instead of following the mandates of Section 193.011 of the Florida Statutes

and the Florida Constitution with regard to valuing real property for ad valorem tax purposes;

- (c) The assessments are discriminatory in that the assessments are at a higher valuation than other taxable property of like class, nature, character, use, and condition located in Pinellas County, Florida;
- (d) The assessments are arbitrarily based on valuation practices which are different from the valuation practices generally applied to comparable property within the same class and within Pinellas County;
- (e) The assessments include the value of certain intangible property, in violation of Article VII, Section 1(a) of the Florida Constitution; and/or
- (f) The method of assessment used by the Property Appraiser was unrealistic, unjust, excessive, arbitrary, and is in violation of the general laws of the State of Florida cited above and Article I, Section 4 and Article VII of the Florida Constitution, and violates the valuation methods and practices set forth in the Uniform Standards of Professional Appraisal Practice (USPAP).

19. As a result of the foregoing over-valuation, the 2024 market values and assessed values greatly exceed the just values of the subject properties, and the ad valorem taxes resulting therefrom substantially exceed the taxes which would have been levied on the subject properties had they been properly assessed.

20. Plaintiff has paid the taxes due on the subject properties for 2024, less the 4% discount for early payment in November, but payment of these taxes is not an admission that the

tax was due and does not prejudice the right to bring this action. Verification of payment of these taxes to the Tax Collector on these parcels is attached hereto as Composite Exhibit "A" and incorporated herein by this reference.

21. Plaintiff has complied with all conditions precedent to the filing of this action.

WHEREFORE, the Plaintiff, GENESIS APARTMENTS LLC, prays for the Court to render a judgment decreeing (a) that the assessed values and market values of the subject properties for 2024 exceed just value and/or the subject properties were unlawfully, unequally, and/or invalidly over-assessed for 2024; (b) that the Court establish and declare the lawful amounts of the 2024 assessed values and market values or, in the alternative, that the Court remand these assessments to the Property Appraiser with instructions to comply with the provisions of the Florida Statutes and the Florida Constitution; (c) that the 2024 assessments and the resulting taxes be set aside to the extent the same exceed the just or fair market values of the properties; and (d) that Plaintiff, GENESIS APARTMENTS LLC, is entitled to a refund of taxes paid to the extent that the amounts previously paid exceed the amount of taxes which would be owed on corrected assessments, and such tax refunds shall be promptly paid by the Tax Collector within thirty (30) days of entry of a Final Judgment by this Court, along with any statutory interest. Further, Plaintiff, GENESIS APARTMENTS LLC, would request that it be granted such other and further relief as the Court may deem just and proper, as well as the costs of this action.

LOWNDES, DROSDICK, DOSTER, KANTOR &  
REED, P.A.

By: /s/ S. Brendan Lynch

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